

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF MISSISSIPPI  
WESTERN DIVISION**

**ANGELA ANDERSON, Personally,  
and on behalf of the WRONGFUL DEATH BENEFICIARIES  
of PRINCESS ANDERSON, Deceased**

**PLAINTIFF**

v.

**No. 3:12-CV-92-DMB-SAA**

**MARSHALL COUNTY, MISSISSIPPI, and  
BAPTIST MEMORIAL HOSPITAL - DESOTO**

**DEFENDANTS**

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**PLAINTIFF'S MOTION TO STRIKE CERTAIN OPINIONS  
OF THOMAS FOWLKES, M.D.**

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COMES NOW Plaintiff, by and through counsel, and for this her Motion to Strike Certain Opinions of Thomas Fowlkes, M.D., hereby sets forth the following:

1. Dr. Fowlkes is identified as an expert by Defendant Marshall County, Mississippi in this matter. Dr. Fowlkes is a 1989 graduate of the University of Tennessee Medical School. His residency was in emergency medicine. His experience has been primarily in the area of emergency room medicine until three years ago when he began working in the area of addiction medicine and/or correctional medicine. Dr. Fowlkes does not have any training or experience as a hospitalist or internal medicine physician. Patients seen in the emergency room are either admitted or discharged. Dr. Fowlkes has experience in admitting and discharging patients, but he does not take care of them as part of his professional practice or experience once they are admitted.

2. While there is no doubt that Dr. Fowlkes has experience working in an emergency room setting, urgent care facility setting, working at the jail and with addiction patients, none of his work history or experience includes working in the hospital as a hospitalist or internal medicine physician who accepts patients from the emergency room. Once a patient is admitted to the hospital, the

emergency room physician no longer cares for this patient. Emergency room practice is separate and distinct from practicing as the physician who receives patients from the emergency room and goes on to treat those patients in ICU or an inpatient setting. Dr. Fowlkes offers a number of criticisms with regard to the emergency room care and treatment provided by Baptist Memorial Hospital-DeSoto, and certainly he is qualified to be critical of physicians in an area of medicine where he has experience and practice. However, Dr. Fowlkes goes beyond emergency room practice in his opinion and criticizes the inpatient care and treatment to Princess Anderson provided by Dr. Mangle, an internal medicine physician. This is beyond the expertise and experience of Dr. Fowlkes and the Plaintiff hereby seeks to exclude any and all opinions by Dr. Fowlkes that Dr. Mangle's inpatient care and treatment fell below the standard of care.

WHEREFORE, PREMISES CONSIDERED, Plaintiff requests this Court to strike that portion of the opinions of Dr. Fowlkes with respect to the care and treatment provided to Princess Anderson in anything other than the emergency room setting, together with such other relief as this Court may deem just and proper.

This, the 3<sup>rd</sup> day of April, 2014.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I, Daniel M. Czamanske, Jr., do hereby certify that I have this day electronically filed a true and correct copy of the above and foregoing document with the Clerk of the Court using the ECF system which sent notification of such filing to the following:

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This, the 3<sup>rd</sup> day of April, 2014.

s/Daniel M. Czamanske, Jr.  
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DANIEL M. CZAMANSKE, JR.